

that the present application is now in condition for allowance based on the discussion which follows.

The claims of the present application were subject to a restriction requirement in which the Examiner identified six groups and various subgroups. However, the Examiner did indicate that were a linking claim present and, if an elected invention were found allowable, the linking claim would be examined and if no substantive rejection is found for the linking claim, the restriction among the groups the linking claim comprises will be withdrawn.

By this Amendment, Applicants have amended the claims to provide a linking claim which links all pending claims 1-37. The linking claim is claim 1 from which all other claims depend. Specifically, claim 1 is directed to a monoclonal antibody which binds to the ClfA protein of *S. aureus*. Accordingly, novelty of the invention lies in part in an antibody that binds the ClfA protein of *S. aureus*.

Moreover, Groups I-VI identified by the Examiner now all relate to a single invention. Specifically, Group I (claims 1-17, 19 and 23, 24, 26-37) are drawn to an antibody which binds to the ClfA protein from *S. aureus*; Group II (claim 18) is drawn to a method of diagnosing an *S. aureus* infection using the antibody of claim 1; Group III (claim 20) is drawn to a method of treating or preventing *S. aureus* infection by administering the antibody of claim 1; Group IV (claim 21) is drawn to a method of inducing an immunological response which generates a response to an epitope recognized by the antibody of claim 1; Group V (claim 22) is drawn to a method of identifying monoclonal antibodies to a ClfA protein by contracting a sample suspected of having such proteins with a ClfA protein thereby identifying monoclonal antibodies of

claim 1; and Group VI (claim 25) is drawn to an isolated active fragment from the A-domain of *S. aureus* ClfA protein in which the active fragment is capable of being used to generate an immune response to an epitope recognized by the antibody of claim 1. Therefore, claim 1 is generic to all claims and moreover represents a linking claim which unites all pending claims.

In addition, the further restriction of the present case to one of three Subgroups (A) to (C) (Examiner identified as pertaining to Clf33, Clf40 and Clf N3, respectively, on page 2 of the Restriction Requirement ) is unwarranted. Clf33, Clf40 and Clf N3 are related to one another in that they are all subunits of the complete ClfA protein. Accordingly, monoclonal antibodies to any and all of these subunit proteins will necessarily recognize the complete ClfA protein. Therefore, it will not create an undue burden for the Examiner to examine all three groups together. Moreover, all three groups are so related that they represent a single invention, namely a monoclonal antibody which binds to the ClfA protein.

Based on the foregoing discussion, Applicants respectfully submit that all claims are drawn to a single invention and therefore Applicants respectfully request that the restriction requirement be withdrawn.

In order to complete the response to the Restriction Requirement, Applicants elect Group I (claims 1-17, 19, 23-24, 26-37), subgroup B (the Clf 33 protein (SEQ ID No. 4) or the protein included by SEQ ID No. 3)) and subgroup H4 (heavy chain variable region represented by SEQ ID No. 20 or the sequence included by SEQ ID No. 19) and subgroup L4 (the light chain variable region SEQ ID No. 18 or SEQ ID No. 17).

Further, in the Office Action, the Examiner has noted that the specification and claims 27-31 failed to be in compliance with the sequence listing recorded by 37 C.F.R. 1.821(d). By this Amendment, Applicants have amended the specification and claims 27-31 so as to include sequence identifiers in compliance with 37 C.F.R. 1.821(d).

Applicant states in accordance with 37 C.F.R. §1.821(f) that the content of the enclosed paper sequence listing and computer readable form are the same, and that in accordance with 37 C.F.R. §1.821(g), the enclosed submission contains no new matter.

In view of the foregoing, Applicants respectfully submit that the present application is now in condition for immediate allowance.

Respectfully submitted,

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